

REMARKS

Applicant respectfully requests reconsideration. Claims 1-17, 22-38, 40-62 and 67-74 were pending in this application. Applicant has amended claims 1, 35-37, 40, 53-55 and 59. Support for the claim amendments can be found, for example, throughout the instant specification and in the claims as originally filed. Claims 14, 34 and 52 have been canceled. As a result, claims 1-13, 15-17, 22-33, 35-38, 40-51, 53-62 and 67-74 are pending with claims 1 and 40 being independent claims.

Applicant thanks the Examiner for indicating that the restriction between Groups I and II is withdrawn and that claims 1-17, 22-38, 40-62 and 67-74 are the subject of examination in the present Office Action. In addition, Applicant notes that upon allowance of a generic claim, Applicant is entitled to consideration of claims to additional species that depend from or otherwise include all of the limitations of the allowable generic claim. As the Examiner has not indicated that any claims are withdrawn as being directed to nonelected species, Applicant assumes that the Examiner has considered or will consider claims to additional species.

No new matter has been added.

Rejections under 35 U.S.C. §112

The Examiner rejected claims 1-13, 15, 30, 32, 40-51, 57, 60 and 62 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. According to the Examiner, the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner asserts that "the claims broadly encompass any type of MBL inhibitor including, but not limited to, peptide-based inhibitors, antibody-based inhibitors, small organic molecules, inorganic molecules, and antisense molecules for example . . . , the specification discloses only the possession of peptide-based inhibitors and antibody-based inhibitors at the time the invention was made."

Applicant respectfully traverses. Nevertheless, in the interest of expediting examination and without conceding the correctness of the Examiner's rejection, Applicant has amended the claims such that it is recited that the MBL inhibitor is a peptide, protein, or antibody or antigen-binding fragment thereof.

Reconsideration and withdrawal of this rejection is respectfully requested.

Objection

The Examiner has objected to claims 14, 16, 17, 22-29, 31, 33-38, 52-56, 58, 59, 61 and 67-74 as being dependent upon a rejected base claim. Applicant thanks the Examiner for indicating that these claims would be allowable if rewritten in independent form. However, in view of the foregoing, this objection is believed to be moot.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. A0752.70001US01.

Respectfully submitted,

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